

No. 9/5/84-6Lab/2796.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Jain Potteries (India), Bahadurgarh (Rohtak).—

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT,
ROHTAK

Reference No. 71 of 80

between

SHRI SAHABUDIN, WORKMAN AND THE MANAGEMENT OF M/S JAIN POTTERIES
(INDIA) BAHADURGARH (ROHTAK)

None, for the workman.

Shri M. M. Kaushal, A. R. for the respondent

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the workman Shri Sahabudin and the management of M/s Jain Potteries (India), Bahadurgarh (Rohtak), to this Court, for adjudication,—*vide* Labour Department Gazette Notification No. ID/RTK/25-80/14648, dated 21st March, 1980:—

Whether the termination of services of Shri Sahabudin was justified and in order? If not, to what relief is he entitled?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the workman is that he was employed with the respondent for the last 5 years on monthly wages of Rs. 165 and that in the month of September, 1979 when the workman alongwith other co-workers asked the management to pay minimum wages of Rs 240 p. m. he was forcibly ousted from the factory premises and in this way the management choose to terminate his services unlawfully without complying with the provisions of the Industrial Disputes Act, 1947.

3. A detailed reply was filed by the respondent, controverting the claim of the petitioner *in toto*. The pleas projected by the respondent, need not be detailed, because this reference is being answered on grounds other than merits.

4. On the pleadings of the parties, the following issues were settled for decision on 29th September, 1980:—

(1) Whether the reference is bad in law for the reasons given para 1 & 2 of the preliminary objection? OPM.

(2) Whether the workman resigned on his own free will? If so, to what effect? OPM.

(3) Whether the termination of services of Shri Sahabudin was justified and in order? If not, to what relief is he entitled?

(4) Whether the workman has remained gainfully employed? If so, to what effect? OPM.

5. After the management examined one witness only, the workman absented and as such, my learned predecessor Shri I. S. Dhull, ordered for dismissal of the reference in default. The same is answered and returned accordingly. There is no order as to cost.

Dated the 20th March, 1985.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

Endorsement No. 71/80/539, dated the 29th March, 1985.

Forwarded (four copies), to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.